UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5
77 WEST JACKSON BOULEVARD
CHICAGO, IL 60604-3590

NOV 2 6 2013

REPLY TO THE ATTENTION OF

Mr. Mark Rhinehart
President, SRW Environmental Services, Inc.
55 West TechneCenter Drive, Suite C
Milford, Ohio 45151

Re: Risk-Based PCB Cleanup and Disposal Approval – 40 CFR § 761.61(c) Dayton VA Medical Center

Dear Mr. Rhinehart:

This is in response to the Dayton VA Medical Center (Medical Center) Notification for approval of a proposed Polychlorinated Biphenyl (PCB) cleanup at buildings #321 and 322, at the Medical Center, Dayton, Ohio dated July 23, 2013. The site contains PCB caulk that exceeds the allowable levels under the federal PCB regulations at 40 CFR § 761.20 and § 761.62. The Notification describes the characterization data collected at the site and presents a proposed remedial plan for PCB Bulk Product Waste (original caulking) and PCB remediation waste (impacted building materials, and certain adjacent surfaces).

The Medical Center requested an approval to address PCB contamination at the site under 40 CFR § 761.61(c). The Medical Center is proposing the following activities under this project:

- Removal by mechanical scarification to a maximum depth of 1/8 inch after removal of the chalk for Building 321 and 322 and off-site disposal of all exterior PCB caulk, including caulk with less than (<) 50 parts per million PCB in a TSCA Chemical Waste Landfill.

- Encapsulation of PCB-contaminated exterior concrete with 2 coats of a solvent resistant and water repellant coating.

- Implementation of a long-term maintenance and monitoring program for the encapsulated areas.

- Recording of a deed notice to document the PCB concentrations at the site and the long-term maintenance and monitoring requirements.

Based on the EPA's review, the information provided in the Notification meets the requirements under 40 CFR §§ 761.61 and 761.62 for cleanup and disposal of PCB Remediation Waste and PCB Bulk Product Waste. EPA finds that the proposed encapsulation of PCB-contaminated concrete with a two coats of a solvent resistant and water repellant coating should effectively prevent direct exposure of these PCB surfaces to building users and thus should be protective of human health and

the environment. This approval is granted in accordance with the federal PCB regulations codified at 40 CFR § 761.61(c), under which the Regional Administrator may approve a method to dispose of PCB Remediation Waste if it is found that the method will not pose an unreasonable risk of injury to human health or the environment.

The Medical Center may proceed with its project in accordance with 40 CFR §§ 761.61 and 761.62, the Notification, and this Approval, subject to the conditions of Attachment 1. Under this Approval, the EPA reserves the right to require additional investigation or mitigation measures should the results of initial abatement work or ongoing monitoring results indicate that an unreasonable risk to building users remains following the abatement activities.

This Approval does not provide for cleanup and disposal of any PCB-contaminated soils. The EPA shall not consider this project complete until it has received all submittals required under this Approval. Upon EPA receipt and review of the submittals, we may request any additional information necessary to establish that the work has been completed in accordance with 40 CFR Part 761, the Notification, and this Approval.

The Medical Center is responsible for ensuring continued compliance with all applicable provisions of the Toxic Substances Control Act (TSCA), the federal PCB regulations, and the conditions of this Approval. Any departure from the conditions of this Approval or the Notification must receive prior written authorization from this office. Further, this Approval does not relieve the Medical Center from compliance with any other federal, State, or local regulatory requirements. This Approval does not preclude EPA from initiating any enforcement action, including an action seeking civil penalties, suspension or termination of the Approval for any violation, or requiring additional cleanup should the Medical Center fail to abide by this Approval. All conditions of this Approval and other applicable requirements of TSCA and its implementing regulations will continue to apply to the Site after any transfer in ownership.

If you have any questions regarding this approval, please do not hesitate to call John Nordine, of my staff, at (312) 353-1243.

Sincerely,

Margaret M. Guerriero
Director
Land and Chemicals Division

Enclosure

**ATTACHMENT 1: PCB RISK-BASED APPROVAL CONDITIONS**
**Dayton VA Medical Center, Dayton, Ohio**

**GENERAL CONDITIONS**

1) This Approval is granted under the authority of Section 6(e) of the Toxic Substances Control Act (TSCA), 15 U.S.C. § 2605(e), and the Federal PCB Regulations at 40 CFR Part 761, and applies solely to the PCB Bulk Product Waste and PCB Remediation Waste located at the site.

2) The Dayton VA Medical Center (Medical Center) shall conduct on-site activities in accordance with the conditions of this Approval and the Notification.

3) In the event that the cleanup plan described in the Notification differs from the conditions specified in this Approval, the conditions of this Approval shall govern.

4) The terms and abbreviations used herein shall have the meanings as defined in 40 CFR § 761.3 unless otherwise defined in this Approval.

5) All sampling and analysis conducted under this Approval will be performed in accordance with the EPA Region 5 RCRA Quality Assurance Project Plan Policy (April 1998) as appropriate for the site. EPA may audit laboratories selected by the Medical Center or require the Medical Center to purchase and have analyzed any Performance Evaluation ("PE") samples selected by EPA.

6) The Medical Center is responsible for the actions of all officers, employees, agents, contractors, subcontractors, and others who are involved in activities conducted under this Approval. If at any time the University has or receives information indicating that the Medical Center has failed, or may have failed, to comply with any provision of this Approval, it must report the information to EPA in writing within 24 hours of having or receiving the information.

7) The Medical Center must comply with all applicable federal, state, and local regulations in the storage, handling, and disposal of all PCB wastes, including PCBs, PCB Items, and decontamination wastes generated under this Approval. In the event of a new spill during implementation of these cleanup activities, the Medical Center shall contact EPA within 24 hours for direction on PCB cleanup and sampling requirements.

8) If the Medical Center has or receives information indicating that the Medical Center has failed, or may have failed, to comply with any provision of this Approval, it must report the information to EPA in writing within 24 hours of having or receiving the information.

9) This Approval does not constitute a determination by EPA that the transporters or disposal facilities selected by the Medical Center are authorized to conduct the activities set forth in the Notification. The Medical Center is responsible for ensuring that its selected transporters and disposal facilities are authorized to conduct these activities in accordance with all applicable

federal, state, and local statues and regulations.

10) This approval does not: 1) waive or compromise EPA's enforcement and regulatory authority; 2) release the Medical Center from compliance with any applicable requirements of federal, state, or local law; 3) release the Medical Center from liability for, or otherwise resolve, any violations of federal, state, or local law.

## NOTIFICATION AND CERTIFICATION CONDITIONS

11) Prior to initiating on-site work under this Approval, the Medical Center shall submit the following information to EPA for review and/or approval:

a) A certification signed by its selected abatement contractor, stating that the contractor(s) has read and understands the Notification, and agrees to abide by the conditions specified in this Approval;

b) A certification signed by the selected analytical laboratory, stating the laboratory has read and understands the sample extraction and analysis requirements, the quality assurance requirements specified in the Notification, this Approval, and the EPA Region 5 RCRA Quality Assurance Project Plan Policy (April 1998) and;.

c) A contractor work plan, prepared and submitted by the selected contractor(s), detailing the procedures that will be employed for removal of PCB contaminated materials and for containment, post-containment wipe sampling locations, and air monitoring during and after removal activities. This work plan should also include information on waste storage, handling, and disposal for each waste stream type and for equipment decontamination.

## CLEANUP AND DISPOSAL CONDITIONS

12) To the maximum extent practical, engineering controls, such as barriers, and removal techniques, such as the use of HEPA ventilated tools, shall be used during removal processes. In addition, to the maximum extent possible, disposable equipment and materials, including PPE, will be used to reduce the amount of decontamination necessary.

13) PCB contaminated materials shall be removed and/or decontaminated, and verification sampling and analysis conducted as described below:

a) All visible caulk and caulk residue shall be removed and PCB contaminated porous surfaces shall be mechanically scarified to a maximum depth of 1/8 inch (i.e. concrete-brick) shall be encapsulated with two layers of a solvent resistant and water repellant coating (epoxy).

b) Following encapsulation of PCB contaminated porous surfaces; post-encapsulation sampling shall be conducted to determine the effectiveness of the encapsulation.

i) Wipe sampling of encapsulated surfaces shall be performed on a surface area basis by the standard wipe test as specified in 40 CFR § 761.123 (i.e. µg/100 $cm^2$). Samples shall be collected at the frequency of approximately one sample for every 20 linear feet.

ii) Chemical extraction for PCBs shall be conducted using Method 3500B/3540C of SW-846; and, chemical analysis for PCBs shall be conducted using Method 8082 of SW-846 unless another extraction or analytical method is validated according to 40 CFR Part 761 Subpart Q. The minimum laboratory reporting limit shall be 1 µg/100 $cm^2$.

iii) Analytical results of surface sampling shall be submitted to EPA within 5 business days of the Medical Center's receipt of results and prior to the start of building occupancy.

c) Following completion of abatement, bulk sampling of a minimum of one sample for every 20 linear feet shall be conducted to verify the effectiveness of the containment methods that were used.

i) The Medical Center shall submit
ii) Analytical results of post-abatement and surface sampling shall be submitted to EPA within 5 business days of the Medical Center's receipt of results and prior to the start of building occupancy.

d) Removed materials which are in contact with caulk and removed as part of building #321 (expansion joint) and Building #322 (parapet wall coating) renovation project shall be disposed of off-site as PCB Bulk Product Waste. Disposal of any epoxy encapsulation materials removed at a future date must be disposed of in accordance with the PCB Remediation Waste disposal requirements at 40 CFR§ 761.61. PCB waste at any concentration generated as a result of the activities described in the Notification shall be marked in accordance with 40 CFR § 761.40; stored in a manner consistent with 40 CFR § 761.65; and disposed of in accordance with 40 CFR § 761.61 or § 761.62, unless otherwise specified below.

i) Decontamination wastes and residues shall be disposed of in accordance with 40 CFR § 761.79(g)(6).

ii) Movable equipment, tools, and sampling equipment shall be decontaminated in accordance with either 40 CFR § 761.79(b)(3)(i)(A), § 761.79(b)(3)(ii)(A), or § 761.79(c)(2).

iii) PCB contaminated water generated during decontamination or dewatering shall be decontaminated in accordance with 40 CFR § 761.79(b)(1) or disposed of under §761.60.

**INSPECTION, MONITORING, MODIFICATION AND REVOCATION CONDITIONS**

14) Within 90 days of completion of the work authorized under this Approval, the Medical

Center shall submit for EPA's review and approval, a detailed monitoring and maintenance implementation plan (MMIP) for the epoxy encapsulated areas to monitor the long-term effectiveness of the encapsulants in reducing exposure to building users. The Medical Center shall incorporate any changes to the MMIP required by EPA.

a) The MMIP shall include: a description of the activities that will be conducted, including inspection criteria, frequency, and routine maintenance activities; sampling protocols, sampling frequency, and analytical criteria, reporting requirements, and a schedule for submittal of results of long term monitoring and maintenance results to the EPA.

b) The MMIP shall include a communications component which details how the maintenance and monitoring results will be communicated to the site users, including residents, on-site workers, and interested stakeholders.

c) The MMIP shall include a worker training component for maintenance workers or for any person that will be conducting work that could impact the building coatings.

d) Based on its review of the monitoring and maintenance results, EPA may determine that modification to the MMIP is necessary in order to monitor and/or evaluate the long term effectiveness of the coatings.

e) Activities required under the MMIP shall be conducted until such time that the EPA determines, in writing, that such activities are no longer necessary.

15) The Medical Center shall allow any authorized representative of the Administrator of the EPA to inspect the site, inspect records, and take samples as may be necessary to determine compliance with the PCB regulations and this Approval. Any refusal by the Medical Center to allow such an inspection (as authorized by Section 11 of TSCA) shall be grounds for revocation of this Approval.

16) Any proposed modification in the plan, specifications, or information in the Notification must be submitted to EPA for review and approval. Any proposed modification in the plan or specifications contained in the Notification or any departure from the conditions of this Approval without prior, written authorization from the EPA may result in revocation, suspension, and/or modification of the Approval, in addition to any other legal or equitable relief or remedy EPA may chose to pursue.

17) Any misrepresentation or omission of any material fact in the Notification or in any records or reports may result in EPA's revocation, suspension, and/or modification of the Approval, in addition to any other legal or equitable relief or remedy the EPA may chose to pursue.

**RECORDKEEPING AND REPORTING CONDITIONS**

18) The Medical Center shall prepare and maintain all records and documents required by 40

CFR Part 761, including, but not limited to, the records required under Subparts J and K. A written record of the decontamination and the analytical sampling shall be established and maintained by the Medical Center in one centralized location. All records shall be made available for inspection to authorized representatives of EPA.

19) The Medical Center shall submit a Final Completion Report (Report) to EPA within 120 days of the completion of the activities described under the Notification and this Approval. At a minimum, this Report shall include: a discussion of project activities, including any modifications that were made to the cleanup plan; characterization and post-abatement sampling analytical results; copies of the accompanying analytical chains of custody; field and laboratory quality control/quality assurance checks; an estimate of the quantity of PCBs removed and disposed of off-site; copies of manifests and/or bills of lading; and copies of certificates of disposal or similar certifications issued by the disposer, if applicable. The report shall also include a copy of the recorded deed restriction and a certification signed by a Medical Center official verifying that the authorized activities have been implemented in accordance with this Approval and the Notification.

No record, report or communication required under this Approval shall qualify as a self-audit or voluntary disclosure under EPA audit, self-disclosure, or penalty policies.